

REMARKS

Applicant respectfully requests reconsideration of this application, and reconsideration of the Office Action dated February 27, 2004. Upon entry of this Amendment, new claims 10-15 will be pending in this application. The new claims are fully supported by the specification and original claims. No new matter is considered incorporated by this Amendment, and the new claims are consistent with the claim 9 earlier presented in this case in describing a valve device for use in a fluid mixing device.

* * * * *

The disclosure was objected to because of an informality. Specifically, it was asserted that reference number "146" on page 10, line 12 should be "156." However, Applicant respectfully disagrees. Applicant has reviewed page 10 of the specification and page 10 correctly refers to "exit aperture seal 146" and "o-ring 156." Also, the occurrence of "146" on page 10, first appear on line 21 of Applicants reference copy. Hence, Applicant respectfully requests that this objection be withdrawn.

* * *

Claim 9 was rejected under 35 U.S.C. 102(b) as anticipated by Linna (U.S. Pat. No. 3,283,778). The Office Action asserted Linna describes each feature of claim 9. Applicant notes claim 9 has been canceled and replaced by new claims 10-15 (with claims 10 and 13 representing independent claims) thus rendering this rejection moot. However, insofar as Linna may be deemed applicable to new claims 10-15, Applicant respectfully traverses and makes the following comments.

Linna discloses a double check valve for use in handling liquified gases, particularly in filling and emptying a container or tank having propane or ammonia retained therein under pressure in both liquid and vapour phases. See column 1, lines 9 to 14. In contrast, the present invention relates to a mixer having at least one fluid injection valve for controlled injection of multiple fluids as in the described embodiment mixing

paint or dye components within a mixing region. The mixing device includes the fluid injection valve having entrance and exit aperture seals that are biased to seal the valve when there is a pressure differential between the pressure in the mixer and the pressure externally of the entrance aperture, as in an arrangement wherein the pressure within the mixer is less than the pressure externally of the entrance aperture (e.g., dependent claim 12), and to open the valve when the pressure differential increases beyond a specified value.

Nowhere in Linna is there mention of a mixer, nor is there mention of a pressure differential such as that employed in the present invention. Hence, Linna fails to teach each and every feature of independent claims 10 and 13 and thus cannot anticipate the claimed invention.

Accordingly, in view of the above remarks, Applicant respectfully submits this rejection is overcome. Reconsideration and withdrawal of the rejection are thus respectfully requested.

* * * * *

Applicant respectfully submits that this Amendment and the above remarks obviate the outstanding objection and rejection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033582.0041.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033582.0041.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By: 

Dennis C. Rodgers, Reg. No. 32,936
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329

Dated: June 28, 2004